

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF NOVEMBER, 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jay T. Harrison, Sr., Chairman, Berkeley District
Bruce C. Goodson, Vice Chairman, Roberts District
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
James G. Kennedy, Stonehouse District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. MOMENT OF SILENCE

Mr. Harrison requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Emily Jones, a seventh-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated concern that utilization of the existing school facilities is not being addressed and building additional educational facilities is not necessary at this time.

E. HIGHWAY MATTERS

Mr. Steve Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), stated that the potholes have been fixed on Lake Powell Road (Route 618).

Mr. Hicks stated that the construction on Ironbound Road between Jamestown Road and Sandy Bay Road has been bid.

Mr. Hicks provided an overview of VDOT's role in the debris cleanup, stated that debris within the VDOT easements on primary roadways and interstates will be removed, and stated that the debris removal by VDOT does not include construction material.

Mr. McGlennon requested verification of what material will be removed by VDOT.

Mr. Hicks stated that vegetation will be removed from VDOT easements on roads maintained by VDOT.

Mr. Harrison requested that the old and new phases of The Meadows subdivision needs to be addressed as the roads are deteriorating.

Mr. McGlennon thanked VDOT for moving the Sandy Bay/Ironbound Road project.

Mr. Goodson stated that the directional road signs at the intersection of Route 199 and Jamestown Road needs to be reviewed.

Mr. Hicks stated that the east and west directional on Route 199 will be changed to north and south in 2005.

Mr. Kennedy thanked Mr. Hicks for working with the Board and for the accomplishments that have been achieved in the Stonehouse District.

Mr. Hicks provided the Board with an overview of the fiscal status of VDOT as impacted by Hurricane Isabel and what funds are available for snow removal and tunnel safety.

F. CONSENT CALENDAR

Mr. Harrison inquired if a member wished to pull an item from the Consent Calendar.

Mr. Goodson requested Item No. 6, Williamsburg Community Health Foundation Debris Removal Assistance Grant, be pulled.

Mr. McGlennon made a motion to adopt the remainder of the items on the Consent Calendar.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

1. Minutes – October 28, 2003, Work Session
2. 2003 Police Officer of the Year – Richard A. Schugeld

RESOLUTION OF APPRECIATION

2003 POLICE OFFICER OF THE YEAR - RICHARD A. SCHUGELD

WHEREAS, Senior Officer Richard A. Schugeld has demonstrated his talents and expertise in the exemplary work he has accomplished and through his assistance and help to fellow officers; and

WHEREAS, Officer Schugeld has worked as a patrol officer and field training officer, providing training to three new police recruits and several auxiliary officers since May 2002; and

WHEREAS, he has served as a member of the SWAT Team, undergoing over 200 hours of tactical and specialized weapons training, as well as participated in over ten SWAT operations; and

WHEREAS, he has coordinated the Police Explorer Program, providing over 100 hours of training and activities for the involved youths; and

WHEREAS, Richard Schugeld's excellent attitude and work ethic represent the best in the law enforcement community.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby commend the outstanding public service of

Richard A. Schugeld

and presents him with this resolution of appreciation from a grateful community.

3. Metropolitan Medical Response System

RESOLUTION

METROPOLITAN MEDICAL RESPONSE SYSTEM

WHEREAS, James City County has been participating in regional planning for emergency medical response to catastrophic events or terrorist events; and

WHEREAS, the Hampton Roads Planning District Commission endorses the regional response concept for such emergencies requiring multiple disciplines and specialized capability.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a Mutual Aid Agreement and Memorandum of Understanding to provide and receive services within the Metropolitan Medical Response System.

4. Appropriation – Establishment of a Full-Time Limited-Term Bus Driver Position for Williamsburg Area Transport

RESOLUTION

APPROPRIATION - ESTABLISHMENT OF A FULL-TIME LIMITED-TERM BUS DRIVER

POSITION FOR WILLIAMSBURG AREA TRANSPORT

WHEREAS, Williamsburg Area Transport (WAT) has implemented transportation services in support of the College of William and Mary students for which the County is reimbursed by the College.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes a full-time limited-term bus driver position to provide service to the College of William and Mary and authorizes the following appropriation in the FY 2004 WAT Budget:

Revenue:

From the College of William and Mary \$19,500

Expenditure:

One Full-Time Limited-Term Bus Driver \$19,500

5. Installation of “Watch for Children” Signs – Bradshaw Ordinary and Sycamore Landing

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGN - BRADSHAW ORDINARY

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, residents of the Bradshaw Ordinary community have requested that a “Watch for Children” sign be installed on Bradshaw Drive as illustrated on the attached drawing titled “Bradshaw Ordinary ‘Watch for Children Sign’.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain one “Watch for Children” sign as requested with funds from the County’s secondary road system maintenance allocation.

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGN - SYCAMORE LANDING

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, residents of the Sycamore Landing community have requested that a “Watch for Children” sign be installed on Sycamore Landing Road as illustrated on the attached drawing titled “Sycamore Landing ‘Watch for Children Sign’.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain one “Watch for Children” sign as requested with funds from the County’s secondary road system maintenance allocation.

6. Williamsburg Community Health Foundation Debris Removal Assistance Grant

Mr. Harrison opened the Public Hearing.

1. Mr. J. Timmons Roberts, 128 Chanco Road, stated support for the revisions to the Ordinance and inquired if buffers could be created along intermittent streams.

2. Mr. Ed Oyer, 139 Indian Circle, inquired if the stream flow included Skiffe's Creek and if the standard will apply to existing Resource Protection Areas (RPA).

Mr. Cook stated that it would.

Mr. Brown inquired if the exiting 100-foot RPA buffer would be impacted by the Ordinance.

Mr. Cook stated that the RPAs have been in existence for several years and the requirements for RPAs have not changed.

3. Mr. Rich Costello, 10020 Sycamore Landing Road, stated that if the non-conforming structures require waivers, the conditions have changed and will impact existing single-dwelling structures.

Mr. Cook stated that language similar to this has been included in other documents and expansion of structures can be achieved through mitigations and preexisting lots do not have to go through a rigorous buffer test.

Mr. Brown inquired if relief from the buffer requirements on preexisting lots can be appealed.

Mr. Cook stated that appeal avenues exist, and that an appeal for an expansion has not previously gone to the Wetlands Board.

As no one else wished to speak to this matter, Mr. Harrison closed the Public Hearing.

Mr. McGlennon made a motion to adopt the Ordinance as amended.

The Board thanked staff and citizens for their work regarding the Ordinance.

Mr. Brown requested that when the policy for the Ordinance is developed, that a presentation be made to the Board.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

H. BOARD CONSIDERATION

1. Chesapeake Bay Preservation Ordinance Transition – Amendments and Grandfathering/Vesting Rules

Mr. Darryl E. Cook, Environmental Director, provided an overview of a resolution outlining grandfathering/vesting rules for the revised Chesapeake Bay Preservation Ordinance and requested adoption of the resolution.

The Board and staff discussed an example of a situation where grandfathering would impact the Ordinance requirements.

Mr. Harrison made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE TRANSITION -

AMENDMENTS AND GRANDFATHERING/VESTING RULES

WHEREAS, the Board of Supervisors is considering comprehensive revisions and amendments to sections of Chapter 23, Chesapeake Bay Preservation, of the Code of the County of James City, Virginia; and

WHEREAS, the orderly transition from the existing Chesapeake Bay Ordinance to the revised Ordinance requires transition rules to affect the changes in law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the grandfathering/vesting rules for the revised Chesapeake Bay Preservation Ordinance, which has an effective date of January 1, 2004, as set forth below:

All site and subdivision plans (conceptual or preliminary) must comply with the revised Ordinance unless the plans fall under one or more of the following criteria:

1. *Final Site and Subdivision Plans.* Approved final plans that are still valid in accordance with Chapter 19 and Chapter 24 of the County Code will not be subject to the revised Ordinance. However, revisions to such approved plans that impact an established Resource Protection Area (RPA) (RPA based on the original USGS solid blue line streams) will have to comply with the provisions of the revised Ordinance relating to the exception process. These plans will not be subject to a review of the RPA delineation involving on-site determination of water bodies with perennial flow.
2. *Preliminary Site and Subdivision Plans.* Approved preliminary plans that are still valid in accordance with Chapter 19 and Chapter 24 of the County Code will not be subject to the revised Ordinance. However, revisions to such approved plans that impact an established RPA (RPA based on the original USGS solid blue line streams) will have to comply with the provisions of the revised Ordinance relating to the exception process. These plans will not be subject to a review of the RPA delineation involving on-site determination of water bodies with perennial flow.
3. *Site and Subdivision Plans in the Review Process.* Plans already in the development review process and those accepted for review prior to the effective date of the Ordinance will not be subject to the revised Ordinance. However, "accepted" shall mean that the plan contains all the information required in the Zoning and Subdivision Ordinances at the time of submission. Any plan determined to be deficient will need to be resubmitted, and if submitted after the effective date, it will have to comply with the revised Ordinance. However, revisions to such plans after submission that impact an established RPA (RPA based on the original USGS solid blue line streams) will have to comply with the provisions of the revised Ordinance relating to the exception process. These plans will not be subject to a review of the RPA delineation involving on-site determination of water bodies with perennial flow.

4. Conceptual Plans. Conceptual plans approved prior to the effective date of the Ordinance will not be grandfathered nor will they grandfather any subsequent site or subdivision plans.
5. Rezoning and Special Use Permits. Approved rezoning and special use permits will have to comply with the provisions of the revised Ordinance unless the property cannot legally be developed to the proffered density, use, or square footage because of the new rules, or there is a specific feature (such as a house or other structure; a road, storm drain, or some other facility) shown on the proffered zoning plan that is located within the RPA, in which case the landowner may develop to the proffered density, use, or square footage minimizing any intrusions into RPA to the extent possible. The specific feature must be built consistent with all other applicable zoning and subdivision requirements. Once the specific feature is developed as shown on the proffered zoning plan, the provisions of the Ordinance RPA applies in full to any future development.

I. PUBLIC COMMENT

1. Mr. Mark Rinaldi, 10022 Sycamore Landing Road, stated concern that VDOT will not be collecting construction debris.
2. Mr. Ed Oyer, 139 Indian Circle, wished everyone a safe holiday.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner presented a resolution to change the December Board meeting to December 16, 2003, and into the new Board room.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

RESOLUTION

CHANGE OF DATE AND PLACE FOR

BOARD OF SUPERVISORS DECEMBER MEETING

WHEREAS, the regularly scheduled December meeting of the Board of Supervisors is December 9, 2003, at 7:00 p.m., in Building C; and

WHEREAS, the Board desires to change the date and place of the Board meeting to December 16, 2003, and meet in the new Board Room in Building F.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Board of Supervisors meeting schedule to change the scheduled meeting to December 16, 2003, in Building F, located at 101-F Mounts Bay Road, James City County, with a work session at 4:00 p.m. and the regular meeting at 7:00 p.m.

Mr. Wanner stated that if the County picks up construction debris not collected by VDOT, the County would be able to collect the debris and be reimbursed for the removal.

Mr. Wanner recommended at the conclusion of the Board meeting, the Board recess to 4 p.m. on December 16 in the new Board room in Building F.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon recommended the Board consider amendment of its contract for the collection of construction debris.

Mr. McGlennon made the motion to amend the agreement.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

Mr. McGlennon made a motion to authorize the County Administrator to give the day after Christmas and the day after New Year's off to staff in recognition for staff's work during the hurricane.

Mr. Kennedy stated concern regarding the motion given the number of holidays the County observes, the amount of annual and sick leave that employees receive, and the number of days that offices have been closed due to bad weather.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Harrison (3). NAY: Brown, Kennedy (2).

L. ADJOURNMENT

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

At 8:04 p.m., Mr. Harrison adjourned the Board until 4 p.m. on Tuesday, December 16, 2003, in the new Board meeting room in Building F.

Sanford B. Wanner
Clerk to the Board